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9 Attorney for Defendant,  
10 NEW ALBERTSONS, INC., a Delaware corporation

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10  
11 CAROLYN BLACKMON, an  
12 individual,

13 Plaintiff,

14 v.

15 NEW ALBERTSON'S, INC, a  
16 Delaware Corporation, erroneously  
17 named as ALBERTSON'S, LLC, a  
18 foreign limited liability company;  
ALBERTSON'S HOLDINGS, LLC, a  
foreign limited liability company;  
DOES I through X, and ROE  
COMPANIES XI through XX,  
inclusive,

19 CASE NO.: 2:10-cv-00712-KJD-PAL

20 Defendants.

21 **DISCOVERY PLAN AND SCHEDULING ORDER SUBMITTED IN**  
**COMPLIANCE WITH LR 26-1(e)**

22 1. Meeting: Pursuant to FRCP 26(f) and LR 26-1(a), a telephone conference  
23 was held on June 16, 2010, and was attended by:

24 Lew Brandon, Jr., Esq. for the Defendant, NEW ALBERTSONS, INC., a  
25 Delaware corporation.

26 William Errico, Esq., for Plaintiff, CAROLYN BLACKMON.



1                   2.     Discovery Plan:     The parties jointly propose to the Court the  
2                   following discovery plan:

3                   a.     Subject to Discovery: Discovery will be needed on the following  
4                   subjects:

5                   i.     All issues of liability, and damages.

6                   ii.    The parties jointly agree to exchange all photographs, video or  
7                   any other media pertaining to the subject incident.

8                   iii.   Any incident report made on the date of incident pertaining to  
9                   the subject incident.

10                  iv.    Defendant shall disclose to Plaintiff any applicable insurance  
11                   policy pertaining to the date of incident.

12                  v.    Plaintiff reserves the right to depose the person(s) most  
13                   knowledgeable as to the circumstances of the incident.

14                  vi.   Plaintiff reserves the right to depose and/or subpoena any of  
15                   Plaintiff's medical providers.

16                  b.     Discovery cut off dates:     Defendant filed its Notice for Removal  
17                   on May 17, 2010. This means all Discovery must be completed by November 12,  
18                   2010, which is 180 days from the first appearance in this case. Defendant executed  
19                   the Acceptance of Service of the Complaint on April 26, 2010. Therefore, Defendant  
20                   will have until May 16, 2010 to file a responsive pleading. As such, the parties may  
21                   request additional time to conduct Discovery.

22                  c.     Fed R. Civ. P. 26(a)(1):

23                  i.     Initial Disclosures shall occur on July 6, 2010.

24                  d.     Fed. R. Civ. P. 26(a)(2):



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- i. The initial experts and expert reports shall occur on September 13, 2010, which is 60 days before the discovery cutoff date; and
- ii. The disclosures of rebuttal experts and their reports shall occur on October 13, 2010 which is 30 days before discovery cutoff date.

e. Other items:

- iii. Amending the Pleadings and Adding Parties: The parties shall have until August 13, 2010, to file any motion(s) to amend the pleadings or to add parties. This is 90 days before the Discovery cutoff date for filing such motions.
- iv. Interim Status Report: The parties shall file the Interim Status Report required by LR 26-3 by September 13, 2010. The undersigned counsels certify that they have read LR 26-3 and that this date is not later than 60 days before the Discovery cutoff date.
- v. Dispositive Motions: The parties have until December 13, 2010 to file Dispositive Motions. This is 30 days after the Discovery cutoff date and does not exceed outside the limit of 30 days following the Discovery cutoff date that LR 26-1(e)(4) presumptively sets for filing Dispositive Motions.



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vi. Pretrial Order: The Pre-Trial Order shall be filed by January 12, 2011, which is not more than 30 days after the date set for filing of Dispositive Motions in the case. This deadline is suspended if a Dispositive Motion is filed in time. The disclosure required by FRCP 26(a)(3) shall be made in the Joint Pre Trial Order.

vii. Later Appearing Parties: A copy of this Discovery Plan and Scheduling Order shall be served on any person served after it is entered, or if additional Defendants should appear, 5 days after their first appearance. This Discovery Plan and Scheduling Order shall apply to such later appearing part(y)(ies) unless the Court, on Motion and for good cause shown, otherwise orders.

viii. Extensions/Modifications of the Discovery Plan and Scheduling Order: LR 26-4 governs modifications for extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made not later than 20

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1 days before the Discovery cutoff date and comply fully with LR-26.

2 **APPROVED AS TO FORM AND CONTENT:**

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4 Dated this 17<sup>th</sup> day of June, 2010.

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7 Dated this 17<sup>th</sup> day of June, 2010.

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1 WILLIAM ERRICO &  
ASSOCIATES

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1 /s/ William K. Errico, Esq.  
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7 Attorney for Defendant,  
8 NEW ALBERTSONS, INC.



## ORDER

## IT IS SO ORDERED:

1. Discovery cut off dates: Discovery will take 180 days, measured from, May 17, 2010, which is the date the Defendant filed its Notice of Removal. This means all Discovery must be completed by November 12, 2010.
2. The initial experts and expert reports shall occur on September 13, 2010, which is 60 days before the discovery cutoff date; and
3. The disclosures of rebuttal experts and their reports shall occur on October 13, 2010 which is 30 days before discovery cutoff date.
4. Amending the Pleadings and Adding Parties: The parties shall have until August 13, 2010, to file any motion(s) to amend the pleadings or to add parties. This is 90 days before the Discovery cutoff date for filing such motions.
5. Interim Status Report: The parties shall file the Interim Status Report required by LR 26-3 by September 13, 2010. This undersigned counsel certifies that they have read LR 26-3 and that this date is not later than 60 days before the Discovery cutoff date.
6. Dispositive Motions: The parties have until December 13, 2010 to file Dispositive Motions. This is 30 days after the Discovery cutoff date and does not exceed the outside the limit of 30 days following the Discovery cutoff date that LR 26-1(e)(4) presumptively sets for filing Dispositive Motions.



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8. Later Appearing Parties: A copy of this Discovery Plan and Scheduling Order shall be served on any person served after it is entered, or if additional Defendants should appear, 5 days after their first appearance. This Discovery Plan and Scheduling Order shall apply to such later appearing part(y)(ies) unless the Court, on Motion and for good cause shown, orders otherwise.

9. Extensions/Modifications of the Discovery Plan and Scheduling Order:  
LR 26-4 governs modifications for extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made not later than 20 days before the Discovery cutoff date and comply fully with LR 26-4.

Date this \_\_\_\_\_ date of June, 2010.

**UNITED STATES [DISTRICT][MAGISTRATE] JUDGE**



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